



Appeal Decision

Site visit made on 22 June 2020 by L Wilson BA (Hons) MA MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 July 2020

Appeal Ref: APP/A1015/W/20/3246573

10 The Green, Hasland, Chesterfield S41 0LJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Cutts against the decision of Chesterfield Borough Council.
 - The application Ref CHE/19/00744/FUL, dated 26 November 2019, was refused by notice dated 29 January 2020.
 - The development proposed is proposed staffroom to existing beauty salon.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. For clarity, I have taken the postcode in the banner heading above from the appeal form and Council's decision notice as a postcode was not provided within the application form.
4. The Council responded to the appellant's final comments, and the appellant was sent a copy of this submission. I do not consider that any party would be prejudiced by my acceptance of them and I have had regard to the additional comments.

Main Issues

5. These are the effect of the proposal upon:
 - i. The living conditions of the occupiers of No. 8 The Green (No. 8), with regard to outlook and light; and
 - ii. The character and appearance of the surrounding area.

Reasons for the Recommendation

Living Conditions

6. The appeal site comprises a two-storey, mid-terrace currently occupied by a hair and beauty salon. The surrounding area is characterised by residential

properties and retail premises. The appeal scheme seeks to further extend the existing flat roof rear projection.

7. Both the appeal site and No. 8 are an 'L' shape and have a projection to the rear with a gable roof. No. 8 is a residential property and it has a rear window, close to the boundary. There are also patio doors on the original rear elevation.
8. The Council state the existing rear extension measures approximately 2.9m in depth and the proposed extension would also measure approximately 2.9m in depth. Thus, the proposed extension, together with the existing extension, would project approximately 5.8m beyond the rear elevation of No. 8. The extension would be adjacent to the existing boundary wall and would have a height of approximately 3m. The appellant has not disputed these figures.
9. The height of the boundary wall is considerably lower than the existing and proposed extension. The outlook from the rear window would be dominated by a large blank wall and would result in an oppressive form of development. Consequently, the development would have a detrimental impact upon the outlook from within No. 8's habitable room because of the height and depth of the extension located in proximity to the window.
10. The terraces have narrow, small rear gardens. The proposal, together with the existing built development, would therefore result in a large amount of the site being developed. Thus, a large proportion of the rear garden of No. 8 would also be dominated by a high blank wall due to the siting, height and depth of the extension, and because of the size of the garden.
11. I visited the appeal site late morning and observed that part of the rear garden is already shadowed. Nevertheless, the proposal would further reduce the amount of light which would reach the rear garden because of the scale, massing and siting of the extension.
12. The appellant states that the extension would only be 1m higher than a permitted 2m garden fence. However, the scale and massing of a 2m garden fence would be significantly less than the proposal before me.
13. I note that the current occupiers of No. 8 did not object to the proposal and the owner considers that the scheme would benefit them as it would provide privacy to their rear garden. The Council highlight that the submitted support letter is from the owner of No. 8 and they live elsewhere. The role of the planning system is to consider the effects of development on both current and any prospective future occupiers. This consideration does not outweigh the harm identified.
14. For the reasons given above, the proposed extension would result in the living conditions of the occupiers of No. 8 The Green being adversely affected, with regard to outlook and light. Consequently, the proposal would conflict with Policies CS2 and CS18 of the Chesterfield Borough Council Local Plan: Core Strategy 2011-2031 (2013) (LP). These Policies collectively seek, amongst other matters, to ensure new development has an acceptable impact on the amenity of adjoining occupiers. The development would also be at odds with guidance in the Framework relating to amenity.

Character and Appearance

15. The Council is concerned that the proposal would result in the overdevelopment and over intensive use of the site, against the grain of the surrounding buildings. In addition to the existing rear extension, to the rear of the appeal building there is a canopy leading to toilets located in an outbuilding.
16. The development would result in a reduction of undeveloped space. However, the scheme would not be detrimental to the character and appearance of the surrounding area. Garden sizes are not a key visual characteristic of the area as they are well screened by existing development. The extent of built development would not be apparent from public vantage points because of the surrounding terraces. Thus, the scheme would maintain the character and appearance of the area.
17. For those reasons, the proposed development would not adversely affect the character and appearance of the area. In this respect, it would accord with Policy CS18 of the LP. This Policy seeks, amongst other matters, to ensure new development respects the character and appearance of the surrounding area.

Other Considerations

18. The Council raise other areas of concern with the proposal, relating to the canopy being unauthorised and materials of both the existing extension and proposed extension. Given my findings in relation to the main issues above, I have not considered these matters further as they would not be determinative to my decision. In any event, it would only be possible to condition the materials of the proposed extension and any unauthorised development is a matter for the Council. Furthermore, the canopy does not form part of the development proposed and therefore a condition seeking its removal would not satisfy the six tests outlined in the Framework.

Conclusion and Recommendation

19. The lack of harm on the second issue would not mitigate or outweigh the harm I have found on the first issue. Thus, although I have found that the scheme would not cause harm to the character and appearance of the area, the scheme would adversely affect the living condition of the occupiers of No. 8 to which I attach significant weight. I therefore recommend that the appeal should be dismissed.

L M Wilson

APPEALS PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree and conclude that the appeal should be dismissed.

Chris Preston

INSPECTOR